IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(Crl.).No. 71 of 2007(S)

PETITIONER:
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1. SWAMY DURAI ALIAS MURUGA,
AGED 46 YEARS, RESIDING AT NEAR KAYAMKULAM
RAILWAY STATION, KAYAMKULAM, ALAPPUZHA.

2. KALLY AMMA ALIAS MONY, AGED 44 YEARS,
RESIDING AT NEAR KAYAMKULAM RAILWAY STATION,
ALAPPUZHA.

BY ADV. SRI.MATHAI EAPPEN
SMT.A.R.USHA
SRI.HELEN EARNEST

RESPONDENTS:
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1. S.I.OF POLICE, KOZHIKODE POLICE STATION,
KOZHIKODE.

2. S.I.OF POLICE, ALAPPUZHA POLICE
STATION, ALAPPUZHA.

3. STATE REPRESENTED BY SECRETARY
FOR HOME, GOVT. OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

4. DIRECTOR, SOCIAL WELFARE DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BASANT BALAJI

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl).NO. 71 OF 2007

Dated this the 3rd day of April, 2007.

JUDGMENT

Koshy, J.

This is a petition for Habeas Corpus. It is stated that petitioner's two young girls are kept in Alappuzha Nornad Children home and Kozhikode Juvenile Home respectively. According to the petitioner they are under illegal custody. Learned Government Pleader submitted that two children were found without any hold in the street and they were produced before the Chief Judicial Magistrate and they were entrusted for safe custody by the CJM and children are happily studying in the schools. The petitioners already approached the Juvenile Court. Petitioner can also approach the CJM since the children were entrusted by that court. It is for the petitioner to prove that they are his children by way of DNA test or other by other evidences. Since the children were entrusted on the basis on the courts orders, it is for the petitioner to approach the CJM for appropriate orders. No other remedy is available to the petitioner.

Without prejudice to other remedies, this Writ Petition is dismissed**.**

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

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